IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

R. Bradley Maule, **1617 John F. Kennedy Boulevard,** **Suite 1130** **Philadelphia, PA 19103,** **Plaintiff,** **v.**	**CIVIL ACTION** **No.**
Stephen Colbert, individually, **513 W. 54th Street** **New York, NY 10019,** **and** **Busboy Productions** **513 W. 54th Street** **New York, NY 10019,** **and** **Spartina Productions** **513 W. 54th Street** **New York, NY 10019,** **and** **Comedy Partners, LLC** **c/o Warren Solow** **1515 Broadway, 45th Floor** **New York, NY 10036,** **and** **MTV Networks** **c/o Warren Solow** **1515 Broadway, 45th Floor** **New York, NY 10036,** **and** **Viacom International, Inc.** **c/o Warren Solow** **1515 Broadway, 45th Floor**	**JURY TRIAL DEMANDED**

Dockets.Justia.com

New York, NY 10036, :

:

Defendants. :

______________________________:

COMPLAINT

Jurisdiction and Venue

1. The jurisdiction of this court is based upon 28 U.S.C. § 1400(a), in that Plaintiff is an owner of a valid copyright which has been infringed upon by the unlawful acts of Defendants herein, who all regularly conduct business in the Eastern District of Pennsylvania.

2. Jurisdiction over this cause of action is also proper before this Court pursuant to diversity of citizenship under 28 U.S.C. § 1332(a)(1) and §1332(c), as Plaintiff and Defendants are citizens of different states and the amount in controversy exceeds Seventy-Five Thousand ($75,000) Dollars, exclusive of interest, fees and costs. Jurisdiction over this cause of action is also proper before this Court pursuant to 28 U.S.C. § 1331 as this copyright infringement civil action arises under the Constitution and/or laws of the United States, and Title 17 of the United States Code in particular.

3. Venue is proper in this district pursuant to 28 U.S.C. § 1400 and/or 28 U.S.C. §1391(b)(2) in that a substantial part of the events giving rise to Plaintiff's claim for copyright infringement occurred in the Eastern District of Pennsylvania and in that Defendants have been broadcasting, selling and distributing infringing television shows, DVDs, and/or other media in the Philadelphia area, throughout the United States and abroad, as well as on the Internet.

4. Venue is also proper in the Eastern District of Pennsylvania pursuant to 28 U.S.C. §1391(c) in that the Defendants have substantial business contacts with the Eastern District of Pennsylvania as Defendants (or their agents) have been creating, broadcasting, selling and distributing infringing television shows, DVDs, and/or other media, in the Philadelphia area, throughout the United States and abroad, as well as on the Internet.

Parties

5. Plaintiff R. Bradley Maule is a locally based photographer, and is a citizen of the Commonwealth of Pennsylvania, who can be served with process at the office of his undersigned counsel, located at 1617 John F. Kennedy Boulevard, Suite 1130, Philadelphia, PA 19103.

6. Defendant Stephen Colbert (hereinafter "Colbert") is a citizen of New Jersey with a principal place of business located at 513 W. 54th Street, New York, NY 10019 (and/or is a citizen of New York), and upon information and belief, is in the business of creating, producing, broadcasting, publishing, distributing, copyrighting and selling daily editions

of a television show called "The Colbert Report" on the Comedy Central television network. Defendant Colbert has unlawfully infringed Plaintiff's copyright.

7. Defendant Busboy Productions (hereinafter "Busboy") is a New York business and/or corporate entity (and therefore a New York citizen) with a principal place of business located at 513 W. 54th Street, New York, NY 10019, and upon information and belief, is in the business of creating, producing, broadcasting, publishing, distributing, copyrighting and selling daily editions of a television show called "The Colbert Report" on the Comedy Central television network. Defendant Busboy has unlawfully infringed Plaintiff's copyright.

8. Defendant Spartina Productions (hereinafter "Spartina") is a New York business and/or corporate entity (and therefore a New York citizen) with a principal place of business located at 513 W. 54th Street, New York, NY 10019, and upon information and belief, is in the business of creating, producing, broadcasting, publishing, distributing, copyrighting and selling daily editions of a television show called "The Colbert Report" on the Comedy Central television network. Defendant Spartina has unlawfully infringed Plaintiff's copyright.

9. Defendant Comedy Central is a New York business entity and/or corporation (and therefore a New York citizen) with a principal place of business located at 1515 Broadway, 45th Floor, New York, NY 10036 and upon information and belief, is in the business of creating, producing, broadcasting, publishing, distributing, copyrighting and selling daily editions of a television show called "The Colbert Report" on the Comedy Central television network. Defendant Comedy Central has unlawfully infringed Plaintiff's copyright.

10. Defendant Comedy Partners, LLC is New York limited liability corporation (and therefore a New York citizen) with a principal place of business located at 1515 Broadway, 45th Floor, New York, NY 10036 and upon information and belief, is in the business of creating, producing, broadcasting, publishing, distributing, copyrighting and/or selling daily editions of a television show called "The Colbert Report" on the Comedy Central television network. Defendant Comedy Partners has unlawfully infringed Plaintiff's copyright.

11. Defendant MTV Networks is New York business entity and/or corporation (and therefore a New York citizen) with a principal place of business located at 1515 Broadway, 45th Floor, New York, NY 10036 and upon information and belief, is in the business of creating, producing, broadcasting, publishing, distributing, copyrighting and/or selling daily editions of a television show called "The Colbert Report" on the Comedy Central television network. Defendant MTV Networks has unlawfully infringed Plaintiff's copyright.

12. Defendant Viacom International, Inc. is a New York corporation (and therefore a New York citizen) with a principal place of business located at 1515 Broadway, 45th Floor, New York, NY 10036 and upon information and belief, is in the business of

creating, producing, broadcasting, publishing, distributing, copyrighting and/or selling daily editions of a television show called "The Colbert Report" on the Comedy Central television network. Defendant MTV Networks has unlawfully infringed Plaintiff's copyright.

13. All Defendants will be collectively referred to herein as "the Colbert Defendants."

Facts

14. Plaintiff is a well-known and highly respected Philadelphia photographer, whose work is regularly posted on his website, phillyskyline.com. Plaintiff's talents in documenting his attention on Philadelphia's neighborhoods, its people, culture, architecture, and its urban development, are of such a caliber that he is perhaps the premier photographer in Philadelphia today. His accomplishments are such that he is regularly consulted by a variety of media concerning the aforementioned areas of interest, and his website is beloved by countless fans throughout the Philadelphia region and beyond.

15. On May 1, 2007, Plaintiff published a unique photograph of Philadelphia's Mayor, Michael Nutter, during an interview he conducted with Mayor Nutter. A true and correct copy of the photograph is attached hereto and incorporated herein as Exhibit A (hereinafter "Maule Nutter Photo.") A true and correct copy of its publication on Plaintiff's website is attached hereto and incorporated herein as Exhibit B (hereinafter the "posting.")

16. The Maule Nutter photo has a number of distinguishing characteristics, including but not limited to the sheen of overhead lighting on the following: the Mayor's bald head, his perched eyebrow muscles, his nose, the bottom rims of his glasses, the pink of his bottom lip, and the lapels and shoulders of his suit jacket. *See* Exhibits A & B.

17. Almost one year later, the Colbert Defendants were in Philadelphia for the taping, creating, producing, broadcasting, publishing, distributing, copyrighting and/or selling of The Colbert Report, a wildly popular television show on the Comedy Central cable television channel, that is shown in Philadelphia, across the United States, and globally on the Internet on the Colbert Defendants' website(s).

18. Specifically, the Colbert Defendants were in Philadelphia on April 14, 2008 for the aforementioned activities, and one of the guests on the television show that date was Mayor Michael Nutter.

19. In the midst of the April 14, 2008 edition of The Colbert Report, and immediately leading up to the segment interviewing the Mayor, the Colbert Defendants stole the Maule Nutter photo, from Plaintiff's website, and used it as an "insert" beside Defendant Colbert, a true and correct copy of which is attached hereto and incorporated herein as Exhibit C (hereinafter "the Colbert theft.")

20. The Colbert theft is clearly a carbon copy of Plaintiff's Maule Nutter photo, as all of the attributes of the Plaintiff's photo (as aforementioned in averment 16) are evident in the insert. *Compare* Exhibit C *with* Exhibits A and B.

21. Indeed, as further evidence of stealing the Maule Nutter photo, the Colbert Defendants and/or their agents, workmen, and/or employees, doctored the background of the Maule Nutter photo (Nutter campaign posters against a tan background) and changed it to a city's skyline. *Compare* Exhibit C *with* Exhibits A and B.

22. The Maule Nutter Photo was stolen from Plaintiff's posting thereof on Plaintiff's website, by the Colbert Defendants and/or their agents, workmen, and/or employees, and was cropped to fit in the screen grab in the Colbert theft. *Compare* Exhibit C *with* Exhibits A and B.

23. The Maule Nutter Photo was willfully, intentionally, and undeniably stolen, and exactly reproduced, in the Colbert theft by the Colbert Defendants because, *inter alia,* the characteristics of Plaintiff's photo (as aforementioned in averment GGJ) are manifestly evident in the inset. *Compare* Exhibit C *with* Exhibits A and B.

24. The Maule Nutter Photo has been registered with the Copyright Office, with an effective copyright registration date of May 13, 2008. *See* Copyright Registration, a true and correct copy of which is attached hereto and incorporated herein as Exhibit D (with Plaintiff's actual home address redacted, for privacy purposes).

25. The Colbert Defendants have intentionally and unlawfully stolen and reproduced the Plaintiff's photographs, infringing upon his copyrights therein and inuring considerable profits from the same.

26. In so doing, Defendants have been producing the infringing show through their websites and/or other media, adding to the considerable public popularity of their own products and/or services, and thereby infringing upon Plaintiff's copyrights therein and inuring considerable profits from the same.

27. Upon information and belief, the Colbert Defendants, individually and/or collectively, own a copyright to the April 14, 2008 edition of The Colbert Report.

28. Upon information and belief, no copyright registration submitted by any Defendant to the Registrar of Copyrights mentions any derivation in Plaintiff's original photography, as aforementioned.

29. By contrast, Plaintiff properly registered his copyright interests in the aforementioned photograph, by delivering his application, deposit material (consisting of two CD copies of the work), along with the required payment, to the Copyright Registrar. Plaintiff has an official copyright for the aforementioned works from the Library of

Congress with an effective registration date of May 13, 2008, recorded with the registration number of VA 1-633-619. *See* Exhibit D.

30. No Defendant contacted Plaintiff at any time prior to, during, or after the April 14, 2008 edition of the Colbert Report, concerning the use of his aforementioned photographs.

31. Plaintiff did not give his consent, permission or license, in any way, to any Defendant to reproduce his copyrighted photograph, in any fashion, for any use in the April 14, 2008 edition of the Colbert Report. Defendants reproduced Plaintiff's copyrighted photograph anyway, in violation of 17 U.S.C. § 106(1).

32. Plaintiff did not give his consent, permission or license, in any way, to any Defendant to specifically include Plaintiff's copyrighted photograph as a derivative work contained in the April 14, 2008 edition of the Colbert Report. Defendants prepared derivative works – namely, the April 14, 2008 edition of the Colbert Report – based upon Plaintiff's copyrighted photograph anyway, in violation of 17 U.S.C. § 106(2).

33. Plaintiff did not give his consent, permission or license, in any way, to any Defendant to specifically engage in the public distribution of Plaintiff's copyrighted photograph contained in the April 14, 2008 edition of the Colbert Report. Through the creation, publication, distribution, unlawful registration of copyright and/or sale of the infringing April 14, 2008 edition of the Colbert Report, Defendants publicly distributed Plaintiff's copyrighted photograph anyway, in violation of 17 U.S.C. § 106(3).

34. Plaintiff did not give his consent, permission or license in any way to any Defendant to specifically include Plaintiff's copyrighted photograph in any public display (such as the April 14, 2008 edition of the Colbert Report). Defendants performed and/or displayed Plaintiff's copyrighted photograph anyway, in violation of 17 U.S.C. § 106(4) and/or § 106(5).

35. No Defendant has compensated Plaintiff in any fashion whatsoever for the use of his copyrighted photograph in the creation, publication, distribution, unlawful registration of copyright and/or sale of the infringing April 14, 2008 edition of the Colbert Report and/or use of the Plaintiff's photo therein.

36. Upon information and belief, Defendants' infringing behavior, as aforementioned, has produced great profits for Defendants. None of these profits have been shared with the Plaintiff.

37. Defendants knowingly and willfully, directly and/or derivatively, copied without independent creation, Plaintiff's copyrighted photograph for the specific purpose of infringing upon Plaintiff's copyright and to unlawfully enrich the Defendants at Plaintiff's expense, as Defendants never obtained a license from the Plaintiff, let alone his consent or permission, for the specific use of his copyrighted photograph in the April 14, 2008 edition of the Colbert Report.

38. Defendants are vicariously liable to one another, and/or liable by the doctrines of respondeat superior and/or joint and several liability, for the acts of one another.

PLAINTIFF v. ALL DEFENDANTS
COUNT I
COPYRIGHT INFRINGEMENT – 17 U.S.C. § 501 et. seq.
Request for Damages pursuant to
17 U.S.C. §§503 through 505

39. Averments 1 through 38 are incorporated as though fully set forth herein at length.

40. The April 14, 2008 edition of the Colbert Report flagrantly infringes upon the Plaintiff's copyrighted photo, as aforementioned. *Compare* Exhibit C *with* Exhibits A and B.

41. Upon information and belief, Defendants falsely copyrighted the April 14, 2008 edition of the Colbert Report as an original work, with no credit given for the derivative photograph of the Plaintiff which is included therein.

42. As set forth more comprehensively above, Defendants have willfully and deliberately infringed upon Plaintiff's copyrighted photograph, and continue to do so on countless occasions on their website and/or on the Internet, resulting in extraordinary sums of ill-gotten profits.

43. At no time did any Defendant have a license or authority of any kind to specifically use Plaintiff's copyrighted photograph in the April 14, 2008 edition of the Colbert Report.

44. The express use and inclusion of Plaintiff's copyrighted photograph in the April 14, 2008 edition of the Colbert Report, as aforementioned, is evidence of Defendants' direct access to the same; furthermore, the literal reproduction of the Plaintiff's photograph (and the deliberate removal of the tan background with the Mayor's campaign posters) raises a clear inference of such access.

45. Defendants have willfully infringed on the copyright owned by Plaintiff, which was properly registered with the Copyright Office. *See* Exhibit D.

46. Based on the foregoing, and pursuant to 17 U.S.C. § 504, Plaintiff is entitled to have Defendants disgorge all profits earned (directly or indirectly) as a result of Defendants' copyright infringement.

47. In the alternative to payment of Defendants' profits, pursuant to 17 U.S.C. § 504, Plaintiff is entitled to One Hundred Fifty Thousand ($150,000) Dollars per willful infringement after the date of registration of the official copyright.

48. In addition, pursuant to 17 U.S.C. § 503, Plaintiff respectfully requests this Honorable Court to order the impounding of all copies of the April 14, 2008 edition of the Colbert Report, and to order the Defendants to cease and desist from further broadcasting the April 14, 2008 edition of the Colbert Report in any fashion, including on the internet, as the same is in violation of Plaintiff's copyright.

49. In addition, pursuant to 17 U.S.C. § 505, Plaintiff respectfully requests this Honorable Court to order the Defendants to pay all costs incurred by the Plaintiff in the prosecution of this civil action, including, but not limited to, attorney's fees.

50. Finally, Plaintiff respectfully requests this Honorable Court to find that the Defendants are jointly and/or severally liable to Plaintiff pursuant to Pennsylvania law and/or the Uniform Contribution Among Joint Tort-feasors Act, 42 Pa. C.S.A. §§ 8321-8327.

WHEREFORE, Plaintiff requests judgment against the Defendants for an accounting of all profits derived from use of the Plaintiff's copyrighted photograph, plus compensatory, punitive, and/or statutory damages, in excess of $250,000 (TWO HUNDRED FIFTY THOUSAND DOLLARS) representing said damages, Defendants' profits, interest, costs, attorney's fees, and such other relief as the Court deems appropriate.

PLAINTIFF v. DEFENDANTS
COUNT II
COPYRIGHT INFRINGEMENT – 17 U.S.C. § 501 et. seq.
Request for Injunctive Relief pursuant to
17 U.S.C. §§502

51. Averments 1 through 50 are incorporated as though fully set forth herein at length.

52. Defendants have willfully infringed on the copyright owned by Plaintiff, which was properly registered with the Copyright Office. *See* Exhibit D.

53. Defendants' infringement, use, sale and/or pirating of Plaintiff's copyrighted photograph has caused permanent and irreparable harm to Plaintiff.

54. Unless an injunction is granted barring Defendants from further distributing, marketing, selling, publishing, or otherwise promoting its infringing April 14, 2008 edition of the Colbert Report, Plaintiff will continue to suffer ongoing irreparable harm.

55. Plaintiff does not have an adequate remedy at law.

56. Based upon the clear and willful violations in this case, and the unlawful inclusion of Plaintiff's photograph in the April 14, 2008 edition of the Colbert Report, Plaintiff has a substantial likelihood of success on the merits.

57. Greater harm will befall the Plaintiff than the Defendants if the injunctive relief herein is not granted.

58. Pursuant to 17 U.S.C. § 502, Plaintiff respectfully requests this Honorable Court to grant a temporary and/or final injunction on such terms as this Court deems reasonable to prevent and restrain the infringement of Plaintiff's copyright.

WHEREFORE, Plaintiff respectfully requests this Honorable Court to enter an Order:

(a) restraining the Defendants and their agents, domestically and abroad, from promoting, selling, marketing, advertising, shipping, transporting (directly or indirectly) or otherwise moving in domestic or foreign commerce, any and all products which infringe upon Plaintiff's copyrighted work; and/or,

(b) ordering Defendants to forfeit (and/or recall) all April 14, 2008 edition of the Colbert Report; and/or,

(c) ordering Defendants to recall or remove any and all of its catalogs, websites, books, posters or brochures or other material which contain the April 14, 2008 edition of the Colbert Report that infringe on Plaintiff's work; and/or,

(d) ordering all of Defendants' agents to refrain from selling or marketing the infringing April 14, 2008 edition of the Colbert Report in question; and/or,

(e) ordering that Plaintiff be remunerated for his work in any future versions sold; and/or,

(f) providing such other relief as the Court deems just, including costs and attorney's fees.

PLAINTIFF v. ALL DEFENDANTS
COUNT III
Request for Declaratory Relief pursuant to
28 U.S.C. §2201

59. Averments 1 through 58 are hereby incorporated as though fully set forth herein at length.

60. Upon information and belief, Defendants falsely filed for copyright protection on the April 14, 2008 edition of the Colbert Report, for in preparing and recording said filing, Defendants did not identify the show as being derivative of Plaintiff's copyrighted photograph.

61. Defendants falsely filed for copyright protection on the April 14, 2008 edition of the Colbert Report knowing that Plaintiff's photograph enjoys copyright protection. This raises a legal dispute that can properly be decided by a request for a declaratory judgment that Defendants' copyright in the April 14, 2008 edition of the Colbert Report is invalid.

62. Defendants' copyright in the April 14, 2008 edition of the Colbert Report should be invalidated based upon Defendants' use of Plaintiff's original photograph for unlawful inclusion therein.

WHEREFORE, Plaintiff respectfully requests for judgment declaring Defendants' copyright as it applies to the April 14, 2008 edition of the Colbert Report to be invalid as said copyright is a derivative of Plaintiff's copyrighted photograph, and Plaintiff is entitled to protection of the copyright. Plaintiffs also seek all attorneys fees and costs incurred in seeking this declaratory action.

PLAINTIFF v. ALL DEFENDANTS
COUNT IV
SUPPLEMENTAL STATE LAW CLAIM
RESTATEMENT (SECOND) TORTS, § 652(c)

63. Averments 1 through 62 are hereby incorporated as though fully set forth herein at length.

64. Defendants appropriated the name and/or likeness and/or identity of Plaintiff by including his photograph in the April 14, 2008 edition of the Colbert Report.

65. Defendants appropriated the name and/or likeness and/or identity of Plaintiff and his photograph for a commercial purpose – namely, the broadcasting, sale, and/ or use of the photograph for the attraction of advertising revenues and or the sale of The Colbert Report.

66. Plaintiff never consented to the appropriation of his name and/or likeness and/or identity for any Defendants' use thereof in the April 14, 2008 edition of the Colbert Report.

67. No Defendant consulted with, or obtained a license or permission from, Plaintiff to appropriate Plaintiff's name and/or likeness and/or identity in the April 14, 2008 edition of the Colbert Report.

68. Plaintiff is offended and aggrieved that his name and/or likeness and/or identity, not to mention the brazen use of his copyrighted photograph, was manipulated for the commercial aspirations of the Defendants in the April 14, 2008 edition of the Colbert Report, without any remuneration to Plaintiff whatsoever.

WHEREFORE, Plaintiff requests judgment against the Defendants for an accounting of all profits derived from use of the Plaintiff's copyrighted photograph, plus compensatory, punitive, and/or statutory damages, in excess of $250,000 (TWO HUNDRED FIFTY THOUSAND DOLLARS) representing said damages, Defendants' profits, interest, costs, attorney's fees, and such other relief as the Court deems appropriate.

DEMAND FOR JURY TRIAL

Trial by a jury of twelve (12) persons is demanded as to all issues.

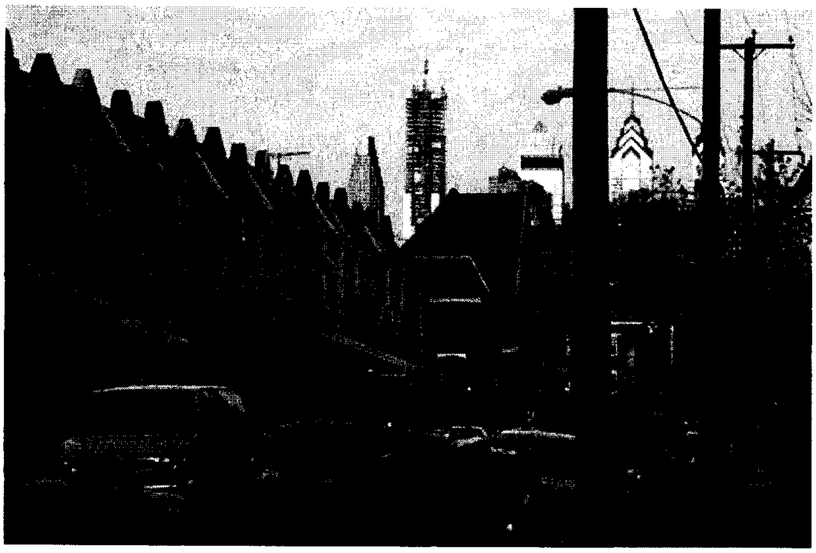
Respectfully Submitted,

Date: 7/17/2008

J. Conor Corcoran, Esquire
Atty. I.D. No. 89111
1617 John F. Kennedy Boulevard
Suite 1130
Philadelphia, PA 19103
Phone: (215) 977-9300
Fax: (215) 864-0188

Exhibit A

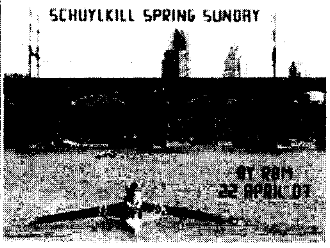
Exhibit B



PSPS: 50th & Sansom at sundown. What!

–B Love

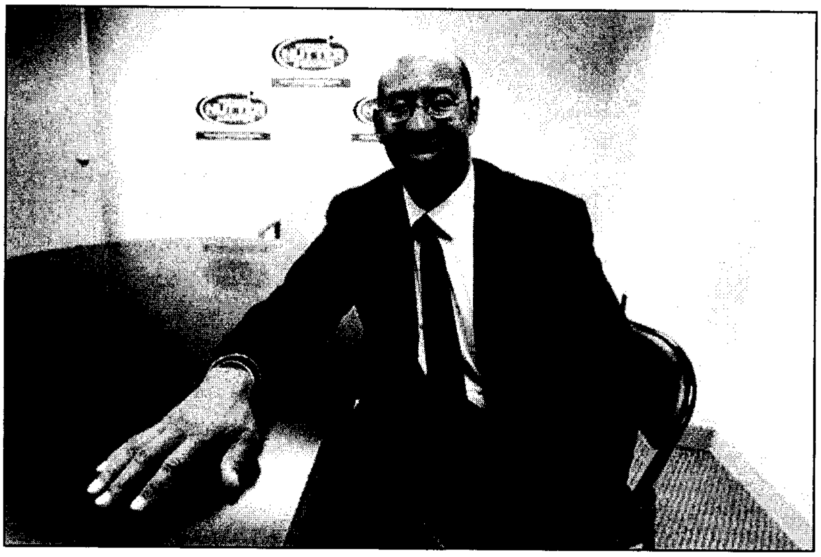
springtime in the
wissahickon
by rbm / 29 april 07



2 May 07: I LIKE MIKE (2)!

Marty Moss-Coane concluded her interview with Michael Nutter this morning by asking him if it was true that he used to be a disco DJ, and he responded, "yes, it's very true . . . it's my understated way. Put a turntable and a microphone in front of me and i might surprise you." How great is that? If there is a quality I'm looking for in my mayor, it's how he can move the crowd from behind the 1 and 2.

I also had a chance to sit down with Mix Master Mike last Thursday, and I wanted to talk to him about some secondary issues that were not near the top of his agenda, because those things are well covered by the media, are what he can fit into 30 seconds for expensive tv ads, and are what are clearly illustrated in the issues section of his web site. This was our conversation.



B LOVE: So, here we are, two weeks away . . . how do you feel? What does May 16 (the day after the primary election) hold in store for you? Vacation? Cruise?

MICHAEL NUTTER: Thanks for being here. I feel great, I really do. But come May 16, I plan on catching up on my sleep.

B˙˙˙: We met over a year ago at Ten Stone, at 21st & South, six blocks from the South Street Bridge. That Bridge has been crumbling for years and is finally scheduled for reconstruction. The final product has been decried by neighbors, advocates, and Inquirer architect Inga Saffron because it is severely underwhelming and is a major missed opportunity. That is entirely because of its budget, which is less than fifty million dollars. We still have a chance to make it the icon it deserves to be as a bridge between an eastward expanding University of Pennsylvania campus and a growing Center City, over not only our beloved Schuylkill River but also a federal interstate highway and several passenger and commercial rail lines. What do you think?

MN: Bridge projects are always complicated. I've been through a few myself -- Strawberry Mansion, Falls Bridge, and the I-76 interchange is coming up in the district I used to represent -- they are tremendously complicated, there's no doubt about it. I think what's important is to make sure you have real dialogue from the neighbors, and the users, and then what other goals do you have? Are you trying to light it? Are you trying to highlight it? Can you make an easier passage for pedestrians? Will there be lighting elements underneath that fit into a larger strategy about bridges and how we sell them, because they hold a certain place in our hearts and our minds.

So, I think the most important component of a project like this is making sure there is as much input from nearby neighbors and users as possible and that everyone understands what the game plan is, including of course the start and finish.

South Street Bridge has a lot of history and character, and it needs to be addressed. The on-ramps are two of the worst.

B˙˙˙: No doubt. For bringing people into the city -- as far as bringing population back . . . have you thought about using famous faces? For example, you look at Kevin Bacon and Blythe Danner's "you're gonna love the arts in Philadelphia" ads . . . something like that. Or maybe athletes. Ryan Howard, Pat Burrell, and at least until recently, Peter Forsberg all live in the city.

MN: We need to retain more of the young people who come to school here, too. All of this goes to the three main issues I've talked about in terms of the quality of life: crime, education, jobs. I think if we attack those three issues aggressively, simultaneously and with a sense of

Exhibit C

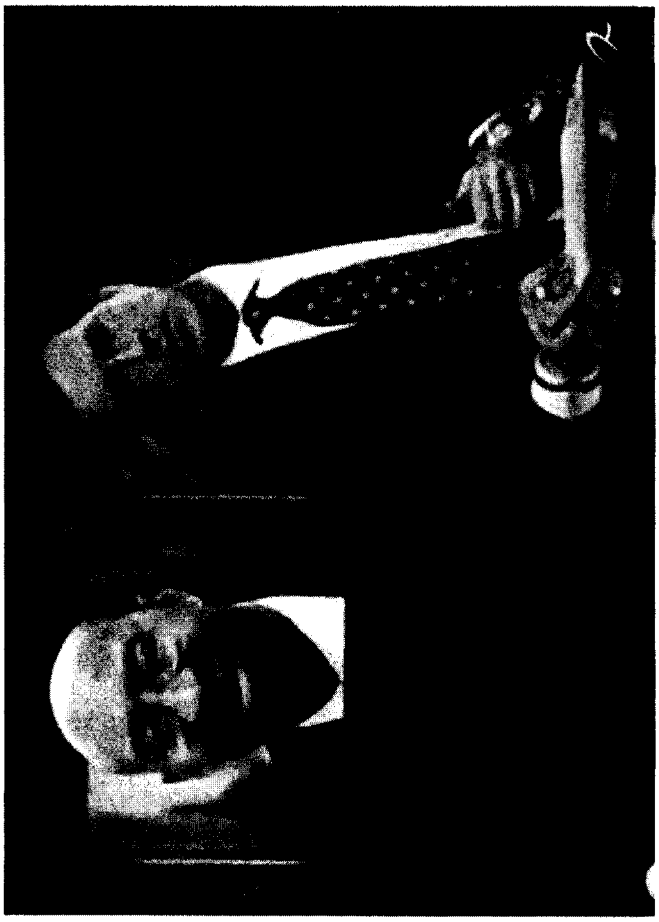


Exhibit D

Certificate of Registration

This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Registration Number:

VA 1-633-619

Effective date of registration:

May 13, 2008

Title

Title of Work: Maule Nutter Photo

Nature of Work: Photograph

Completion/ Publication

Year of Completion: 2007

Date of 1st Publication: May 1, 2007 **Nation of 1st Publication:** United States

Author

- **Author:** R. Bradley Maule

Author Created: Photograph

Work made for hire: No

Citizen of: United States

Year Born: 1976

Anonymous: No **Pseudonymous:** No

Copyright claimant

Copyright Claimant: R. Bradley Maule

[redacted] Philadelphia, PA [redacted]

Limitation of copyright claim

Previously registered: No

Certification

Name: J. Conor Corcoran, authorized agent of R. Bradley Maule

Date: May 9, 2008

Correspondence: Yes

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

R. Bradley Maule,	:	
1617 John F. Kennedy Boulevard,	:	
Suite 1130	:	
Philadelphia, PA 19103,	:	
	:	**CIVIL ACTION**
Plaintiff,	:	**No.**
v.	:	
	:	
Stephen Colbert, individually,	:	
513 W. 54th Street	:	**JURY TRIAL DEMANDED**
New York, NY 10019, et. al.	:	
	:	
Defendants.	:	

CERTIFICATE OF SERVICE

I, J. Conor Corcoran, Esquire, hereby certify that a true and correct copy of the Complaint in the above captioned matter has been sent to the following by first class, United States, certified mail:

Stephen Colbert, 513 W. 54th Street, New York, NY 10019; and,

Busboy Productions, 513 W. 54th Street, New York, NY 10019; and,

Spartina Productions, 513 W. 54th Street, New York, NY 10019; and,

Comedy Partners, LLC, c/o Warren Solow, 1515 Broadway, 45th Floor, New York, NY 10036; and, :

MTV Networks, c/o Warren Solow, 1515 Broadway, 45th Floor, New York, NY 10036; and,

:

Viacom International, Inc., c/o Warren Solow, 1515 Broadway, 45th Floor, New York, NY 10036.

Date: 7/17/08

J. Conor Corcoran, Esquire